

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

**JACK STEPHEN PURSLEY,
AKA STEVE PURSLEY**

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NO. 4:18-CR-575 (HUGHES)

United States' Amended Notice of Objections to Pursley's Trial Exhibits

On July 18, 2019, counsel for Pursley provided the government with the defendant's amended exhibit list, which identified 115 new exhibits that Pursley wants to offer into evidence at trial. The government provided Pursley with a copy of its objections to those exhibits on July 26, 2019, and the parties conferred on August 12, 2019 regarding their respective exhibits. During their call, the parties agreed to continue to try to reach stipulations with respect to authenticity and admissibility wherever they could.

The next day, on August 13, 2019 (and only a week prior to the motion's hearing), counsel for Pursley provided the government with a second amended exhibit list, adding almost 1000 pages of new exhibits to Pursley's exhibit list. Many of these documents were never previously produced to the United States in compliance with Mr. Pursley's reciprocal discovery obligations.

Pursuant to Local Criminal Rule 55.2(B), the United States submits this amended notice of the government's objections to various exhibits that Pursley intends to offer into evidence at trial. In compliance with the local rule, the United States has appended copies of the disputed exhibits

to this notice.¹ The government has also appended a chart of its objections to Pursley's exhibits for the Court's and the parties' convenience.

Many of Pursley's exhibits are inadmissible hearsay.

Since the parties June 2019 pretrial conference, Pursley has added one hundred and nine exhibits to his exhibit list that were never previously produced to the grand jury in response to the subpoenas issued to his law firm or produced to the United States in compliance with Pursley's reciprocal discovery obligations under Fed. R. Crim. P. 16(b)(1)(A). Pursley has not explained where he obtained these documents, and they do not appear to be eligible for certification as records of a regularly conducted activity pursuant to Fed. R. Evid. 803(6).

Apart from these concerns, the United States objects to defense exhibits 8, 51, 59, 80 – 83, 85 – 87, 91, 105, 108, 110, 129 – 131, 136, 138, 142, 144, 152 – 153, 159 – 160, 171, 205, 208, 213, 215, 218 – 219, 221 – 222, 224, 236, 244, and 290 on the grounds that they are (or contain) Pursley's own out-of-court statements and that the defendant is offering them to prove the truth of the matters asserted in those statements. As such, these exhibits are (or contain) inadmissible hearsay under Fed. R. Evid. 801. The government objects to Pursley's attempt to make assertions of fact to the jury without taking the witness stand and subjecting himself to cross-examination.

The government also objects to defense exhibits 6 – 7, 9, 12 – 13, 15, 37, 43, 55, 60, 63 – 64, 67, 97 – 98, 101, 112 – 115, 136 – 137, 141, 143, 145 – 147, 150 – 151, 154 – 158, 164 – 165, 172, 179 – 180, 192, 195 – 196, 210, 214, 226 – 227, 239 – 240, 243, 249, and 288 on the grounds that they are (or contain) out-of-court statements made by Shaun Mooney and other witnesses that

¹ The government previously filed redacted copies of defense exhibits 7 - 9, 12 - 13, 21 - 27, 36, 43, 49, 51, 53, 67 - 68, 75, 77, 80 - 83, 85 - 87, 110, 114, 115, 118 - 130, 135, 137- 151, 154 - 160, and 162 with the Court. *See* Dkts. 97-2, and 97-4 through 97-8. The United States will only append to this notice copies of new exhibits not previously filed with the Court.

Pursley is offering for the truth of the matters asserted therein. These documents are inadmissible hearsay under Fed. R. Evid. 801. Naturally, after Mooney and the other witnesses testify on direct examination, Pursley can use these exhibits to impeach them if their testimony is inconsistent with their prior out-of-court statements. However, even if Pursley impeaches one of the government's witnesses with a prior statement that is truly inconsistent with their testimony, that does not permit the defendant to admit into evidence the document used to impeach that witness.

Finally, the United States objects to defense exhibits 33 – 34, 36, 92, 96, 106 – 107, 125 – 128, 135, 139 – 140, 148 – 150, 152 – 155, 157, 162 – 163, 167, 171, 176 – 177, 209, 211, 220, 224 – 225, 228 – 238, 244, 246 – 248, 250, 272 – 275, and 286 – 289 on the grounds that these too are (or contain) hearsay statements offered for the truth. Most of these documents are emails from third parties that neither the United States nor Pursley will call to testify at trial. For example, defense exhibit 229 is nearly 270 pages long and includes various records that are hearsay with hearsay. The exhibit includes emails, checks, check ledgers, bank statements, promissory notes, a statement of settlement, among other records. These exhibits must also be excluded under Fed. R. Evid. 801(c).

Many of Pursley's exhibits are also irrelevant and will improperly confuse the jury.

The United States objects to defense exhibits 7 – 9, 12, 21 – 27, 33 – 34, 37, 43, 49, 51, 53, 59, 67 – 68, 75, 77, 80 – 83, 85 – 87, 91, 96, 105 – 106, 108, 112, 114 – 115, 118 – 119, 121 – 124, 126 – 131, 135 – 140, 142 – 163, 166 – 167, 170 – 171, 175 – 178, 185, 189, 194, 206, 208, 210 – 212, 215, 224 – 227, 233 – 240, 243 – 244, 246 – 250, 268, 272 – 282, and 286 – 290 on the grounds that they are irrelevant to the charges in the Indictment or Pursley's anticipated defenses. Even if some of these exhibits could pass the relatively low hurdle for relevancy under Fed. R.

Evid. 401, as explained below, the Court should still exclude many of them as their probative value is substantially outweighed by a danger confusing the issues and misleading the jury.

For example, Pursley seeks to admit copies of four tax refund checks he received – one of them for more than \$200,000 – for tax years 2014 through 2017. *See* Def. Exs. 21 – 23, 68. Pursley is charged with conspiracy to defraud the United States, related to evading assessment of taxes for 2007 through 2010, and with evading the assessment of taxes for 2009 and 2010, and though he continued to use various structures to hide his tax evasion in later years, the fact that Pursley received more than \$480,000 from the U.S. Treasury in subsequent years is only likely to confuse the jury and result in a mini-trial regarding whether and why Pursley was entitled to those tax refunds.

Pursley has also marked a series of exhibits (Def. Exs. 7 – 9, 33 – 34, 37, 91, 105, 108, 114 – 115, 118 – 119, 121 – 124, 131, 165 – 167, 170, 175 – 177, 208, 210, 226 – 227, 237 – 240, 243, 246 – 249, and 275) that relate to the ongoing litigation between Pursley and Mooney² even though the Court expressly ruled at the November 19, 2019 pretrial conference that the parties would not “try the contract case” during Pursley’s criminal trial. Dkt. 53, Tr. 65:21 – 66:9.

Pursley also seeks to admit a series of emails relating to what appear to be unrelated land development projects, *none of which*, to the government’s knowledge, were ever completed. *See, e.g.*, Def. Exs. 80 – 83, 85 – 87, 130, 137 – 138, 140, 142 – 160, and 162. The defense has not established the tie between these speculative, possible projects and Mooney or the relevant corporations in this case, such Gulf States and Four Sevens. Because the evidence does not appear

² *Pursley v. Mooney*, Cause No. 2017-28294 (281st Judicial District, Court of Harris County, Texas).

to be probative of the alleged evasion scheme and is likely to devolve into a sideshow, it should be not be admitted.

Pursley's Def. Ex. 106 is an email from Jack Townsend, an attorney who represented Shaun Mooney in his offshore voluntary disclosure. Even if the defense could overcome the government's hearsay objection (the Court has already ruled that Mr. Townsend cannot testify at trial), it is not at all clear why this exhibit is relevant. Similarly, Pursley intends to offer a picture of himself with his family (Def. Ex. 24), which is both irrelevant and an improper attempt to evoke an emotional response (*i.e.*, sympathy) from the jury.

Pursley has also marked a series of emails (Def. Exs. 166, 170, 175, 286 – 289) that are salacious or otherwise improper under Fed. R. Evid. 403 and 404. These emails include chauvinistic and off-color emails that Mooney received or responded to, and Pursley offers them only for the purpose of embarrassing and impugning Mooney and biasing the jury against him.

Finally, although Pursley objects to the government's introduction of any evidence after the 2010 tax returns were filed in September 2011, the defendant's exhibit list contains evidence from this same period. The parties have extensively briefed this issue, and the United States has explained why its post-2010 evidence is relevant to the charges in the Indictment. Nonetheless, if the Court excludes the government's post-2010 evidence, then the defendant should likewise be restricted from presenting evidence from the same period.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will serve a copy of this document on all counsel of record.



Sean Beaty
Trial Attorney, Tax Division

<u>Def. Ex. No.</u>	<u>Description</u>	<u>Authenticity</u>	<u>Objections to Admissibility</u>
6	Gillis email to Coughtrey re new matter (05-19-2009)	No Objection	801(d)(1)(A) (statement must be inconsistent), 805
7	Shaun Mooney v. Charles Gillis and Gillis, Paris, Henrich, PLLC (12-03-2014)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401, 403 (subject of prior ruling)
8	IRGP v. Mooney, Original Petition (01-04-2013)	No Objection	801(d)(2)(A) (Pursley's own statement), 401, 403 (subject of prior ruling)
9	IRGP Settlement Agreement and Mutual Release (05-03-2013)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401, 403 (subject of prior ruling)
12	Shaun Mooney business card	No Objection	401, 801(d)(1)(A) (statement must be inconsistent)
13	Mooney Affidavit	No Objection	801(d)(1)(A) (statement must be inconsistent), Unsigned
15	Email from Mooney to Gillis (06-30-2009)	No Objection	801(d)(1)(A) (statement must be inconsistent)
20	2017 Check from Minns to U.S. Treasury (02-23-2017)	No Objection	106 (Incomplete)
21	2014 IRS refund check	No Objection	401 (tax years not at issue), 403
22	2015 IRS refund check	No Objection	401 (tax years not at issue), 403
23	2016 IRS refund check	No Objection	401 (tax years not at issue), 403
24	Picture of Pursley Family	No Objection	401, 403
25	Ron Braver, CV	No Objection	401, 403, 702
26	Stephen Grace, CV	No Objection	401, 403, 702
27	Fred Gavin CV	No Objection	401, 403, 702
33	Letter from Hooper to Reynolds (01-19-2017)	No Objection	801(c), 401, 403 (subject of prior ruling), 408
34	Letter from Hooper to Minns (01-20-2017)	No Objection	801(c), 401, 403 (subject of prior ruling)
36	Lisa Jude Letter	Custodian Required	801(c)
37	Agreement for Sale of Limited Partnership or Assets of Partnership (04-26-2010)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401, 403 (subject of prior ruling)
43	Mooney Resume	No Objection	801(d)(1)(A) (statement must be inconsistent), 401
49	Email from Mellor to rrcsalazar@fnslaw.com.oh (06-27-2007)	No Objection	401, 403 (Philippines litigation)
51	Email from Mooney to Nigel Tebay (06-25-2007)	No Objection	801(d)(2)(A) (Pursley's own statement), 401, 403 (Philippines litigation)

<u>Def. Ex. No.</u>	<u>Description</u>	<u>Authenticity</u>	<u>Objections to Admissibility</u>
53	Email from Mooney to Pursley (07-06-2007)	No Objection	401, 403 (Philippines litigation)
55	Tom Foster Interview Recording	Custodian Required	801(d)(1)(A) (statement must be inconsistent)
59	Email from Pursley to Nelson (12-21-2012)	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401
60	Email from Mooney to Pursley (12-21-2012)	No Objection	801(d)(1)(A) (statement must be inconsistent)
63	Email from Gillis to Slogar (01-24-2016)	Objection (106, 502)	106, 801(d)(1)(A) (statement must be inconsistent), 502
64	Email from Pursley to Gillis (07-28-2009)	No Objection	801(d)(1)(A) (statement must be inconsistent)
67	Declaration of Susan English [ECF 61] (11-26-2018)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401, 403
68	IRS Refund Check	No Objection	401 (tax years not at issue), 403
75	SA Caivano handwritten notes	No Objection	401, 608(b)
77	Email from Mooney to Salazar	No Objection	401, 403 (Philippines litigation)
80	Business Development Agreement	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403
81	Email from Sholem to Pursley (05-06-2005)	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403
82	Email from Schuman to Pursley (09-09-2005)	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403
83	Email from Schuman to Pursley (03-13-2006)	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403
85	Email from Pursley to Shuman (09-05-2008)	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403
86	Email from Pursley to Shuman (10-23-2008)	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403
87	Email from Pursley to Shuman (11-07-2007)	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403
91	Email from Bratcher to Pursley (06-14-2013)	No Objection	801(d)(2)(A) (Pursley's own statement), 401, 403 (subject of prior ruling)
92	Email from Richman to Pursley (10-21-2011)	No Objection	801(c)
96	Stoneworth Financial Letter (01-17-2013)	Custodian Required	801(c), 401
97	Email from Bratcher to Richman (01-26-2013)	No Objection	801(d)(1)(A) (statement must be inconsistent)
98	Email from Bratcher to Richman (01-24-2013)	No Objection	801(d)(1)(A) (statement must be inconsistent)

<u>Def. Ex. No.</u>	<u>Description</u>	<u>Authenticity</u>	<u>Objections to Admissibility</u>
100	APHC Director's Declaration (unknown)	Objection (106 - Incomplete)	106 (Incomplete)
101	Emails from Bratcher to Richman and Salinas (01-26-2013)	No Objection	801(d)(1)(A) (statement must be inconsistent) (Dup. of DX 97)
105	Emails from Bratcher to Richman and Salinas (10-16-2013)	No Objection	801(d)(2)(A) (Pursley's own statement), 401, 403 (subject of prior ruling)
106	Townsend email to Listserv (05-04-2018)	Custodian Required	801(c), 401, 403 (subject of prior ruling)
107	Humphries email to Pursley Steve and Tracy (04-20-2012)	Objection (106 – Incomplete), Custodian Required	801(c)
108	Bratcher email to Pursley (04-23-2013)	No Objection	801(d)(2)(A) (Pursley's own statement), 401, 403 (subject of prior ruling), 106
110	Email Pursley to Salinas (07-19-2011)	Custodian Required	801(d)(2)(A) (Pursley's own statement)
112	July 2009 Draft Gillis Memo to Pursley re Opinion on Qualified Dividend (07-12-2009)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401
113	Mooney v Gillis Original Petition (12-03-2014)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401, 403 (subject of prior ruling)
114	Plaintiff's Notice of Non-Suit (02-27-2015)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401, 403 (subject of prior ruling)
115	Mooney's Response to Defendant's Request for Disclosure (01-19-2015)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401, 403 (subject of prior ruling)
118	Promissory Note between Arosa & IRGP (07-01-2010)	No Objection	401, 403 (subject of prior ruling)
119	Promissory Note between Recruitment Partners & Four Sevens Investment Corp (01-15-2011)	No Objection	401, 403 (subject of prior ruling)
120	Promissory Note between Pursley Interest LLC & Four Sevens Investment Corp (06-07-2010)	No Objection (Subject to Verification by Witness)	No Objection

<u>Def. Ex. No.</u>	<u>Description</u>	<u>Authenticity</u>	<u>Objections to Admissibility</u>
121	Promissory Note between Recruitment Partners LP and Four Sevens Investment Corp (01-13-2010)	No Objection (Subject to Verification by Witness)	401, 403 (subject of prior ruling)
122	Promissory Note between Recruitment Partners, LP and Four Sevens Investment Corp (11-19-2009)	No Objection (Subject to Verification by Witness)	401, 403 (subject of prior ruling)
123	Promissory Note Recruitment Partners & Four Sevens (11-19-2009)	No Objection	401, 403 (subject of prior ruling)
124	Promissory Note Recruitment Partners & Four Sevens Investment (08-31-2011)	No Objection	401, 403 (subject of prior ruling)
125	Email from Colleen Prince Steve Pursley (07-11-2016)	Custodian Required	801(c)
126	Rental Property Dashboard	Custodian Required	801(c), 401, 403
127	2014 Vacasa Tax Docs Attached	Custodian Required	801(c), 401, 403
128	Email from Dana Macik to Pursley (07-21-2017)	Custodian Required	801(c), 401, 403
129	Welcome Package	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403
130	Four Sevens Profit Scenario	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403
131	Email from Pursley to Agee, Betzer and Harris (12-21-2012)	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403 (subject of prior ruling)
135	Jack Townsend Blog	No Objection	801(c), 401, 403 (subject of prior ruling)
136	Ruling Submission Request submitted by Cantrell & Cantrell (03/14)	Custodian Required	801(d)(1)(A), 801(d)(2)(A) (Pursley's own statement), 401, 403 (subject of prior ruling, and contains court Orders (pg. 16), the parties' settlement agreement (pg. 122), letter ruling request to IRS, legal analysis, etc.)
137	Email from Mooney to Pursley (09-14-2011)	No Objection (Subject to Verification by Witness)	801(d)(1)(A) (statement must be inconsistent), 401, 403

<u>Def. Ex. No.</u>	<u>Description</u>	<u>Authenticity</u>	<u>Objections to Admissibility</u>
138	Email from Mooney to Pursley (08-26-2011)	No Objection (Subject to Verification by Witness)	801(d)(2)(A) (Pursley's own statement), 401, 403
139	Email from Clint Brown to Pursley (05-26-2011)	No Objection (Subject to Verification by Witness)	801(c), 401, 403
140	Email from David Johnson to Pursley (05-20-2011)	Custodian Required	801(c), 401, 403
141	Email from Mooney to Pursley (01-20-2009)	No Objection (Subject to Verification by Witness)	801(d)(1)(A) (statement must be inconsistent)
142	Email from Pursley to Mooney (12-01-2008)	No Objection (Subject to Verification by Witness)	801(d)(2)(A) (Pursley's own statement), 401, 403
143	Email from Mooney to Pursley (11-14-2008)	No Objection (Subject to Verification by Witness)	801(d)(1)(A) (must be inconsistent) and (2)(A) (Pursley's own statement), 401, 403
144	Email from Pursley to Mooney (11-05-2008)	No Objection (Subject to Verification by Witness)	801(d)(2)(A) (Pursley's own statement), 401, 403
145	Email from Mooney to Pursley (09-04-2008)	No Objection (Subject to Verification by Witness)	801(d)(1)(A) (must be inconsistent) and (2)(A) (Pursley's own statement), 401, 403
146	Email from Mooney to Pursley (09-01-2008)	No Objection (Subject to Verification by Witness)	801(d)(1)(A) (statement must be inconsistent), 401, 403
147	Email from Pursley to Mooney (07-07-2008)	No Objection (Subject to Verification by Witness)	801(d)(1)(A) (must be inconsistent) and (2)(A) (Pursley's own statement), 401, 403
148	Email from Mooney to Pursley (06-27-2008)	No Objection (Subject to Verification by Witness)	801(c), 805, 401, 403

<u>Def. Ex. No.</u>	<u>Description</u>	<u>Authenticity</u>	<u>Objections to Admissibility</u>
149	Email from Boone to Mooney (02-20-2008)	No Objection (Subject to Verification by Witness)	801(c), 401, 403
150	Email from Mooney to Boone (02-03-2008)	No Objection (Subject to Verification by Witness)	801(c), 801(d)(1)(A) (statement must be inconsistent), 401, 403
151	Email from Mooney to Pursley (01-24-2008)	No Objection (Subject to Verification by Witness)	801(d)(1)(A) (statement must be inconsistent), 401, 403
152	Schrader Westchester Real Estate File	Custodian Required	801(c), 801(d)(2)(A) (Pursley's own statement), 401, 403
153	Jim Miceli real estate file	Custodian Required	801(c), 801(d)(2)(A) (Pursley's own statement), 401, 403
154	Email from Mooney to Boone and Pursley (01-02-2008)	No Objection (Subject to Verification by Witness)	801(c), 801(d)(1)(A) (must be inconsistent), and (2)(A) (Pursley's own statement), 401, 403
155	Email from Mooney to Boone and Pursley (12-18-2007)	No Objection (Subject to Verification by Witness)	801(c), 801(d)(1)(A) (must be inconsistent), and (2)(A) (Pursley's own statement), 401, 403
156	Email from Mooney to Pursley (12-14-2007)	No Objection (Subject to Verification by Witness)	801(d)(1)(A) (statement must be inconsistent), 401, 403
157	Email from Mooney to Boone and Pursley (12-04-2007)	No Objection (Subject to Verification by Witness)	801(c), 801(d)(1)(A) (statement must be inconsistent), 401, 403
158	Email from Mooney to Pursley (11-29-2007)	No Objection (Subject to Verification by Witness)	801(d)(1)(A) (must be inconsistent) and (2)(A) (Pursley's own statement), 401, 403
159	Strategic Negotiation Planning for Acquisition	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403
160	Agreement Gulf States and The Westchester Group Inc.	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403

<u>Def. Ex. No.</u>	<u>Description</u>	<u>Authenticity</u>	<u>Objections to Admissibility</u>
162	Email from Kevin Weldon to Mooney (10-25-2007)	No Objection (Subject to Verification by Witness)	801(c), 401, 403
163	The Offshore Money Manual	Objection (1002), Custodian Required	801(c), 401, 403, 1002
164	Addendum to Agreement for Sale of Limited Partnership or Assets (04-14-2010)	No Objection	801(d)(1)(A) (statement must be inconsistent)
165	Amendment and Revision to RPLP Limited Partnership Agreement (06-30-2009)	No Objection	801(d)(1)(A) (statement must be inconsistent)
166	Email from Shetter to Mooney (04-01-2007)	Custodian Required	401, 403 (salacious, subject of prior ruling), 404(a)-(b)
167	Cantrell letter to Hooper (01-20-2014)	Custodian Required	801(c), 401, 403 (subject of prior ruling)
170	Email from Shetter to Mooney (04-25-2006)	Custodian Required	401, 403 (subject of prior ruling), 404(a)-(b)
171	Email from Shuman to Pursley (10-03-2005)	Custodian Required	801(c), 801(d)(2)(A) (Pursley's own statement), 401
172	Southeastern Shipping Company Limited Summarized Profit and Loss Account for the YE 30 June 2010 (06-30-2010)	No Objection	801(d)(1)(A) (statement must be inconsistent)
175	Email from Shetter to Mooney (02-26-2006)	Custodian Required	401, 403 (subject of prior ruling), 404(a)-(b)
176	Cantrell letter to Hooper (10-01-2013)	Custodian Required	801(c), 401, 403 (subject of prior ruling)
177	Hooper letter to Nelson (01-03-2014)	No Objection	801(c), 401, 403 (subject of prior ruling)
178	Letter from IRS (12-24-2018)	No Objection	401, 403
179	Email from Gillis to Mooney (01-21-2010)	No Objection	801(d)(1)(A) (statement must be inconsistent)
180	Email from Mooney to Parkhill (08-26-2010)	No Objection	801(d)(1)(A) (statement must be inconsistent)
189	Email from Markley to Hodson (09-07-2010)	No Objection	401, 403
192	Email from Mooney to Gillis (02-10-2010)	No Objection	801(d)(1)(A) (statement must be inconsistent)
194	Email from Mooney to Gillis (03-04-2010)	No Objection	401, 403

<u>Def. Ex. No.</u>	<u>Description</u>	<u>Authenticity</u>	<u>Objections to Admissibility</u>
195	Email from Mooney to Gillis (03-05-2010)	No Objection	801(d)(1)(A) (statement must be inconsistent)
196	Email from Mooney to Gillis (06-16-2010)	No Objection	801(d)(1)(A) (statement must be inconsistent)
205	Email from Mooney to Gillis (07-16-2009)	No Objection	801(d)(2)(A) (Pursley's own statement)
206	Email from Pursley to Mooney (09-30-2008)	No Objection (Subject to Verification by Witness)	401, 403
208	Email from Pursley to Agee, Betzer and Harris (06-30-2009)	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403 (subject of prior ruling)
209	Email from Richman to Bratcher (10-21-2011)	No Objection	801(c)
210	Email from Richman to Mooney (12-19-2012)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401, 403 (subject of prior ruling)
211	Email from Richman to Pursley (10-25-2011)	No Objection	801(c), 401, 403
212	England Letter to Pursley (02-24-2016)	No Objection	401, 403
213	Statement Regarding Related Party Advances	No Objection	801(d)(2)(A) (Pursley's own statement)
214	Email from Bratcher to Richman (01-25-2013)	No Objection	801(d)(1)(A) (statement must be inconsistent)
215	Email from Richman to Salinas (01-10-2013)	Custodian Required	801(d)(2)(A) (Pursley's own statement), 401, 403 (subject of prior ruling)
218	Email from Pursley to Salinas (03-02-2011)	No Objection	801(d)(2)(A) (Pursley's own statement)
219	Email from Pursley to Bratcher (02-01-2010)	No Objection	801(d)(2)(A) (Pursley's own statement)
220	Richman Memorandum to Pursley (05-30-2012)	Custodian Required	801(c)
221	Check to Infinisource (08-27-2015)	No Objection	801(d)(2)(A) (Pursley's own statement)
222	Check to Infinisource (11-04-2015)	No Objection	801(d)(2)(A) (Pursley's own statement)
224	Pursley email to Shuman (05-09-2011)	Custodian Required	801(c), 801(d)(2)(A) (Pursley's own statement), 401

<u>Def. Ex. No.</u>	<u>Description</u>	<u>Authenticity</u>	<u>Objections to Admissibility</u>
225	Sandy Creek Ranch – Valuation Summary	Custodian Required	801(c), 401
226	Mooney v Pursley (Harris County, 2014-44623) Plaintiff's Original Petition and Request for Disclosure (08-24-2014)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401, 403 (subject of prior ruling)
227	Pursley v Mooney v RPLP and IRC (Harris County, 2017-282294) Plaintiff's Sixth Amended Original Petition (12-28-2018)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401, 403 (subject of prior ruling)
228	Salinas email to Pursley attaching general ledgers (07-29-2011)	Custodian Required	801(c)
229	Salinas email to Pursley attaching Bookkeeping (10-04-2011)	Custodian Required	801(c)
230	Salinas email to Pursley (03-20-2010)	Custodian Required	801(c)
231	Salinas email to Pursley (03-22-2010)	Custodian Required	801(c)
232	Salinas email to Pursley (03-11-2011)	Custodian Required	801(c)
233	Pursley email to England (03-02-2015)	Custodian Required	801(c)
234	Pacheco email to Pursley (05-12-2015)	Custodian Required	801(c), 401
235	Christmann email to Pursley (07-09-2015)	No Objection	801(c), 401
236	Pursley email to Christmann (10-01-2015)	No Objection	801(c), 801(d)(2)(A) (Pursley's own statement), 401
237	Nguyen email to Pursley (02-11-2013)	Custodian Required	801(c), 401, 403 (subject of prior ruling)
238	Vinarco, IRC, RPLP and Westoceanic Contribution and Purchase Agreement (09-01-2012)	Custodian Required	801(c), 401, 403 (subject of prior ruling)
239	Mooney Fraud Risk Inquiries Form (12-31-2012)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401, 403 (subject of prior ruling)
240	Mooney Fraud Risk Inquiries Form (12-31-2010)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401, 403 (subject of prior ruling)

<u>Def. Ex. No.</u>	<u>Description</u>	<u>Authenticity</u>	<u>Objections to Admissibility</u>
243	Mooney v. Gillis (Harris County, 2014-70310) Order (02-27-2015)	No Objection	801(d)(1)(A) (statement must be inconsistent), 401, 403 (subject of prior ruling)
244	Pacheco email to Pursley (02-05-2015)	No Objection	801(c), 801(d)(2)(A) (Pursley's own statement), 401, 403
246	RPLP Audited Financial Statements (12-31-2010)	No Objection	801(c), 401, 403 (subject of prior ruling)
247	RPLP Audited Financial Statements (12-31-2011)	No Objection	801(c), 401, 403 (subject of prior ruling)
248	RPLP Audited Financial Statements (12-31-2012)	No Objection	801(c), 401, 403 (subject of prior ruling)
249	Mooney Fraud Risk Inquiries Form (12-31-2012)	No Objection	801(d)(1)(A) (statement must be inconsistent), 805, 401, 403 (subject of prior ruling)
250	Stoneworth Financial, LLC letter to Pursley (12-01-2011)	No Objection	801(c), 401, 403 (subject of prior ruling)
268	SES Fax to IOMA / Mellor (08-29-2007)	No Objection	401, 403 (Philippines litigation)
272	Webb email to Pursley (08-25-2010)	Objection (106 - Incomplete), Custodian Required	801(c), 401
273	Mercer email to Pursley (12-01-2010)	Objection (106 - Incomplete), Custodian Required	106, 801(c), 401
274	Buschholtz email to Pursley (09-11-2013)	Objection (106 - Incomplete), Custodian Required	106, 801(c), 401
275	IRC Marketing Document	Custodian Required	801(c), 401, 403 (subject of prior ruling)
276	Steve Mooney Travel History Excel	No Objection	401, 403
277	Steve Mooney TECS 5pp.	No Objection	401, 403
278	Steve Mooney Travel History 2pp.	No Objection	401, 403
279	Steve Mooney Travel Documents List	No Objection	401, 403
280	David Melnick Travel History Excel	No Objection	401, 403
281	David Melnick TECS i94 Result List 2pp.	No Objection	401, 403
282	David Melnick TECS 34pp.	No Objection	401, 403

<u>Def. Ex. No.</u>	<u>Description</u>	<u>Authenticity</u>	<u>Objections to Admissibility</u>
286	Shetter email to Mooney, et al. (03-03-2010)	Custodian Required	801(c), 401, 403 (salacious), 404(a)-(b)
287	Shetter email to Mooney, et al. (03-10-2010)	Custodian Required	801(c), 401, 403 (salacious), 404(a)-(b)
288	Mooney email to Shetter, Steve Mooney, et al. (03-06-2011)	Custodian Required	801(c), 801(d)(1)(a), 401, 403 (salacious), 404(a)-(b)
289	Stephen Mooney email to Shaun Mooney (02-05-2008)	Custodian Required	801(c), 401, 403 (salacious), 404(a)-(b)
290	Pursley email to Bratcher (08-17-2010)	No Objection (Subject to Verification by Witness)	801(d)(2)(A) (Pursley's own statement), 401